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OFFICE OF PETITIONS

In re Application of
Halkier, et al.
Application No. 10/756,813
Filed: January 12, 2004
Attorney Docket No. 0201us622
For: A METHOD FOR PREPARING MODIFIED
POLYPEPTIDES

ON PETITION

This is a decision on the reconsideration petition, filed January 24, 2005 (certificate of mailing date January 17, 2005), requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed September 16, 2004, insofar as it alleges that pages 74 and 75 of the specification appeared to have been omitted from the initial filing.

The application was filed on January 12, 2004. On September 16, 2004, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that pages 74 and 75 of the specification appeared to have been omitted.

Petitioners request that pages 74 and 75 be accorded a filing date of January 12, 2004. In support, the reconsideration petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 12, 2004 as the date of receipt. The postcard lists that the filing included, *inter alia*, 75 pages of specification. It is noted that only 73 pages of specification are present in the application file.

The return postcard constitutes *prima facie* evidence that 75 pages of specification, including pages 74 and 75, were filed on January 12, 2004. MPEP 503. Accordingly, the request is **GRANTED**.

Regarding finances, the Office erroneously charged an additional \$400.00 petition fee on January 27, 2005. This fee as well as the \$130.00 petition fee submitted with the first petition will be credited to deposit account, no. 50-0990.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of January 12, 2004, using the copy of pages 74 and 75 submitted on October 25, 2004 (certificate of mailing date October 20, 2004).

Any inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions